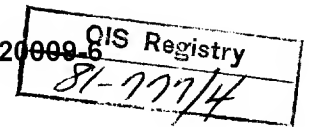


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29 OCT 1981

81-6300/13

MEMORANDUM FOR: See Distribution

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Information Security Oversight Office (ISOO)
Draft of Proposed New Executive Order to
Replace E.O. 12065

Attached for your review is ISOO's draft of a proposed new Executive order to replace E.O. 12065. Also attached is an ISOO paper comparing this draft with previous Executive orders. The ISOO draft is a modification of the revision prepared by the Intelligence Community working group chaired by OGC. ISOO has asked for comments from executive branch agencies in order to prepare a final version for the National Security Council. I have asked the Director of Information Services to draft the Agency response. Please submit your comments no later than 5 November 1981 to Records Management Division, Office of Information Services, Ames Building. Your comments should include alternative language and justification for any proposed changes.

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Attachments:
As Stated

cc: D/Security
OGC

SUBJECT: Information Security Oversight Office (ISOO) Draft of Proposed
New Executive Order to Replace E.O. 12065

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Executive Order _____

National Security Information

The interests of the United States and its citizens require that certain information concerning our national defense and foreign relations be protected against unauthorized disclosure. It also is essential that the public be informed concerning the activities of its Government. This Order prescribes a uniform information security system for classifying, declassifying and safeguarding national security information. It also establishes a monitoring system to ensure its effectiveness. Nothing in this Order shall limit the protection afforded any information by other provisions of law.

SECTION I. ORIGINAL CLASSIFICATION.

I-1. Classification Levels.

I-101. National security information that requires protection against unauthorized disclosure (hereinafter "classified information") shall be classified at one of the following three levels:

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(a) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(b) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

(c) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

1-102. Except as otherwise provided by statute, no other terms shall be used to identify classified information.

1-103. If there is reasonable doubt about the need to classify information, the information shall be considered classified and shall be safeguarded under the provisions of this Order pending a final determination by an original classification authority.

1-2. Classification Authority.

1-201. Top Secret. The authority to classify information originally as Top Secret may be exercised only by:

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(a) The President;

(b) agency heads and officials as designated by the President in the Federal Register; and

(c) officials delegated this authority under Section 1-204.

1-202. Secret. The authority to classify information originally as Secret may be exercised only by:

(a) Agency heads and officials as designated by the President in the Federal Register;

(b) officials with original Top Secret classification authority; and

(c) officials delegated such authority pursuant to Section 1-204.

1-203. Confidential. The authority to classify information originally as Confidential may be exercised only by:

(a) Agency heads and officials as designated by the President in the Federal Register;

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(b) officials with original Top Secret or Secret classification authority; and

(c) officials delegated such authority pursuant to Section 1-204.

1-204. Delegation of Original Classification Authority.

(a) Delegations of original classification authority shall be limited to the minimum required to administer this Order. Agency heads are responsible for ensuring that subordinate officials so designated have a demonstrable and continuing need to exercise this authority.

(b) Original Top Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Section 1-201(b); and the senior official designated under Section 5-301(a), provided that official has been delegated original Top Secret classification authority by the agency head.

(c) Original Secret classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1-201(b)

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and 1-202(a); an official with original Top Secret classification authority; and the senior official designated under Section 5-301(a), provided that official has been delegated original Secret classification authority by the agency heads.

(d) Original Confidential classification authority may be delegated only by the President; an agency head or official designated pursuant to Sections 1-201(b), 1-202(a), and 1-203(a); an official with original Top Secret classification authority; and the senior official designated under Section 5-301(a), provided that official has been delegated original Secret or Confidential classification authority by the agency head.

(e) Each delegation of original classification authority shall be in writing. It shall identify the authority by name or position title.

1-205. Exceptional Cases. When an employee, contractor, or grantee of an agency that does not have original classification authority originates information believed by the employee, contractor, or grantee to require classification, the information shall be protected in a manner consistent with this Order and its implementing directives. The information shall be transmitted promptly

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under adequate safeguards to the agency which has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within thirty (30) days whether to classify this information. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall consult with the agency determined to have primary subject matter interest in this information before making a classification determination.

1-3. Classification Categories.

1-301. Information shall be considered for classification if it concerns:

- (a) military plans, weapons, or operations;
- (b) the vulnerabilities or capabilities of systems, installations, projects, or plans vital to the national security;
- (c) foreign government information;
- (d) intelligence activities (including special activities), or intelligence sources or methods;

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(e) foreign relations or foreign activities of the United States;

(f) scientific, technological, or economic matters relating to the national security;

(g) United States Government programs for safeguarding nuclear materials or facilities;

(h) cryptology;

(i) a confidential source; or

(j) other categories of information which are related to the national security and which require protection against unauthorized disclosure as determined by the President or by agency heads who have original classification authority. Any determination made under this subsection shall be reported promptly to the Director of the Information Security Oversight Office.

I-302. Information which is determined to concern one or more of the categories in Section I-301 shall be classified when an original classification authority also determines that its unauthorized disclosure reasonably could be expected to cause damage to the national security. In considering whether the disclosure of

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information could be expected to cause damage to the national security, information shall be classified if its unauthorized disclosure, when considered in the context of related information, reasonably could be expected to cause such damage.

1-303. Unauthorized disclosure of foreign government information, or information relating to intelligence sources or methods is presumed to cause damage to the national security.

1-304. Information classified in accordance with Section 1-3 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

1-4. Duration of Classification.

1-401. Information shall be classified for as long as required by national security considerations. If appropriate, the original classification authority shall set a specific date or event for declassification at the time the information is originally classified.

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1-402. Automatic declassification determinations under predecessor orders shall remain valid unless extended by an authorized official of the originating agency. These determinations may be by individual documents or categories of information. The agency shall be responsible for notifying holders of the information of such determinations.

1-403. Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of this Order.

1-5 Identification and Markings.

1-501. At the time of original classification, the following shall be shown on the face of all classified documents, and prominently displayed, where practicable, on all other forms of classified information:

(a) The identity of the original classification authority if other than the person whose name appears as the approving or signing official (unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information);

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(b) the agency and office of origin (unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information);

(c) the date or event for declassification, or the notation "Originating Agency Review Required"; and

(d) one of the three classification levels defined in Section 1-1.

1-502. Marking designations implementing the provisions of this Order, including abbreviations, shall conform to the standards prescribed in implementing directives issued by the Information Security Oversight Office.

1-503. Foreign government information shall either retain its original classification or be assigned a United States classification that shall ensure a degree of protection at least equivalent to that required by the entity that furnished the information.

1-6. Limitations on Classification.

1-601. Classification shall be determined solely on the basis of national security considerations. In no case shall information be classified in order to conceal

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violations of law, inefficiency or administrative error; to prevent embarrassment to a person, organization or agency; to restrain competition; or to prevent or delay the release of information which does not require protection in the interest of national security.

1-602. The President or an agency head or official as provided in Sections 1-201(b), 1-202(a) or 1-203(a) may re-classify information previously declassified and disclosed if it is determined in writing that (a) the information requires protection in the interest of national security; and (b) the information may reasonably be recovered.

1-603. Information may be classified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the Mandatory Review provisions of this Order (Section 3-4) if such classification meets the requirements of this Order and is accomplished personally and on a document-by-document basis by the agency head, the deputy agency head, the senior agency official designated under Section 5-301(a), or an official with original Top Secret classification authority.

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SECTION 2. DERIVATIVE CLASSIFICATION.2-1. Use of Derivative Classification.

2-101. Derivative classification is the determination that information is in substance the same as information currently classified, and the application of the same classification markings. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

2-102. Persons who apply derivative classification markings shall:

(a) Observe and respect original classification decisions; and

(b) carry forward to any newly created documents any assigned authorized markings. The most restrictive declassification date or event shall be used for documents classified on the basis of multiple sources.

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2-2. Classification Guides.

2-201. Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.

2-202. Each guide shall be approved personally and in writing by an official who:

(a) Has program or supervisory responsibility over the information or is the senior agency official designated under Section 5-301(a); and

(b) is authorized to classify information originally at the highest level of classification prescribed in the guide.

2-203. Agency heads may, for good cause, grant and revoke waivers of the requirement to prepare classification guides for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.

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SECTION 3. DECLASSIFICATION AND DOWNGRADING.3-1. Declassification Authority.

3-101. Information shall be declassified or downgraded as soon as national security considerations permit. Agencies shall coordinate their review of classified information with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by Section 1-3 despite the passage of time will continue to be protected in accordance with this Order.

3-102. Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the agency head or the senior agency official designated pursuant to Section 5-301(a).

3-103. If the Director of the Information Security Oversight Office determines that information is classified in violation of this Order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the National Security

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Council. The information shall remain classified until the appeal is decided.

3-104. The provisions of this section shall apply to agencies which, under the terms of this Order, do not have original classification authority, but which had such authority under predecessor orders.

3-2 Transferred Information.

3-201. In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this Order.

3-202. In the case of classified information which is not officially transferred as described in Section 3-201, but which originated in an agency which has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purposes of this Order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency which has an interest in the subject matter of the information.

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3-3. Systematic Review for Declassification

3-301. The Archivist of the United States shall, consistent with procedures prescribed in the Information Security Oversight Office's directives implementing this Order, systematically review for declassification (i) classified records accessioned into the National Archives of the United States, and (ii) classified presidential papers or records in the Archivist's possession and control. Such information shall be reviewed by the Archivist for declassification in accordance with systematic review guidelines that shall be provided by agency heads who originated the information, or in the case of foreign government information, by the Director of the Information Security Oversight Office, in consultation with interested agency heads. The Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities, (including special activities), or intelligence sources and methods.

3-302. Agency heads may conduct internal systematic review programs for classified information originated by their agencies contained in permanently valuable records

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which have not been accessioned into the National Archives of the United States.

3-4. Mandatory Review for Declassification.

3-401. Except as provided in Section 3-402, all information classified under this Order or predecessor orders shall be subject to a review for declassification by the originating agency, if:

(a) the request is made by a United States citizen or permanent resident alien, or a State or local government; and

(b) the request describes the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort.

3-402. Information less than twelve years old originated by the President, the White House Staff, by committees or commissions appointed by the President, or others acting on behalf of the President, including such information in the possession and control of the Administrator of General Services pursuant to sections 2107, 2107 note, or 2203 of title 44, United States Code, is exempted from the provisions of Section 3-401. Such information over twelve years old shall be subject to mandatory review for

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declassification in accordance with the provisions of this Section.

3-403. Agencies conducting a mandatory review for declassification shall declassify information no longer requiring protection under this Order. They shall release this information unless withholding is otherwise appropriate under applicable law.

3-404. Agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They shall also provide a means for administratively appealing a denial of a mandatory review request. The Secretary of Defense shall develop special procedures for the review of cryptologic information, and the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, after consultation with affected agencies. The Archivist shall develop special procedures for the review of information accessioned into the National Archives of the United States. All procedures for mandatory review shall be reviewed by the Director, Information Security Oversight Office, to ensure that they

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are consistent with this Order and its implementing directives.

3-405. In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the Mandatory Review provisions of this Order:

(a) An agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under this Order.

(b) When an agency receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response under Section 3-405(a) is required, the referring agency shall respond to the requester consistent with that Section.

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SECTION 4. SAFEGUARDING.

4-1. General Restrictions on Access.

4-101. A person is eligible for access to classified information only after a formal determination of trustworthiness has been reached by agency heads or designated senior officials and provided that such access is essential to the accomplishment of authorized and lawful Government purposes.

4-102. Controls shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons.

4-103. Classified information shall not be disseminated outside the executive branch except under conditions which ensure that the information will be given protection equivalent to that afforded within the executive branch.

4-104. Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has

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been made available without the consent of the originating agency.

4-2. Special Access Programs.

4-201. Agency heads designated pursuant to Section 1-201 may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to this Order or predecessor orders. Such programs may be created or continued only at the written direction of these agency heads. For special access programs pertaining to intelligence activities (including special activities), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence. For special access programs pertaining to cryptology, this function will be exercised by the Secretary of Defense.

4-202. Each agency head shall establish and maintain a system of accounting for special access programs. The Director of the Information Security Oversight Office shall have non-delegable access to all such accountings.

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4-3. Access by Historical Researchers and Former Presidential Appointees.

4-301. The requirement in Section 4-101 that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in Section 4-302, for persons who:

- (a) are engaged in historical research projects, or
- (b) previously have occupied policy-making positions to which they were appointed by the President.

4-302. Waivers under Section 4-301 may be granted only if the agency with jurisdiction over the information:

- (a) determines in writing that access is consistent with the interest of national security;
- (b) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this Order; and

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(c) limits the access granted to former presidential appointees to items that the person originated, reviewed, signed or received while serving as a presidential appointee.

SECTION 5. IMPLEMENTATION AND REVIEW.

5-1. Policy Direction.

5-101. The National Security Council shall provide overall policy direction for the information security program.

5-102. The Administrator of General Services shall be responsible for implementing and monitoring the program established pursuant to this Order. This responsibility shall be delegated to the Director of the Information Security Oversight Office.

5-2. Information Security Oversight Office.

5-201. The Information Security Oversight Office shall have a full-time Director appointed by the Administrator of General Services subject to approval by the President. The Director shall have the authority to appoint a staff for the Office.

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5-202. The Director shall:

(a) Develop, in consultation with the agencies, and promulgate, subject to the approval of the National Security Council, directives for the implementation of this Order which shall be binding on the agencies;

(b) review all agency implementing regulations and agency guidelines for systematic declassification review. The Director shall require any regulation or guideline to be changed if it is not consistent with this Order or implementing directives. Any such decision by the Director may be appealed to the National Security Council. The agency regulation or guideline shall remain in effect until the appeal is decided;

(c) oversee agency actions to ensure compliance with this Order and implementing directives;

(d) have the authority to conduct on-site reviews of the information security program of each agency that creates or handles classified information and to require of each agency those reports, information, and other cooperation which may be necessary to fulfill the Director's responsibilities. If these reports, inspections, or access to specific categories of classified information would pose an exceptional

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national security risk, the affected agency head or the senior official designated under Section 5-301(a) may deny access. The Director may appeal denials to the National Security Council. The denial of access shall remain in effect until the appeal is decided;

(e) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend presidential approval;

(f) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the information security program;

(g) have the authority to prescribe standard forms which will promote the implementation of the information security program;

(h) exercise case-by-case classification authority in accordance with Section 1-205;

(i) report annually to the President through the National Security Council on the implementation of this Order; and

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(j) have the authority to convene and chair interagency meetings to discuss matters pertaining to the information security program;

5-3. General Responsibilities.

5-301. Agencies which originate or handle classified information shall:

(a) Designate a senior agency official to direct and administer its information security program, which shall include an active oversight and security education program to ensure effective implementation of this Order;

(b) promulgate implementing regulations. Any unclassified regulations that establish agency information security policy shall be published in the Federal Register to the extent that these regulations affect members of the public; and

(c) establish procedures to prevent unnecessary access to classified information, including procedures which (i) require that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and (ii) ensure that the number of persons granted access to classified

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information is reduced to and maintained at the minimum number that is consistent with operational and security requirements and needs.

5-4. Sanctions.

5-401. If the Director of the Information Security Oversight Office finds that a violation of this Order or its implementing directives may have occurred, the Director shall make a report to the head of the agency or to the senior official designated under Section 5-301(a) so that corrective steps, if appropriate, may be taken.

5-402. Officers and employees of the United States Government shall be subject to appropriate sanctions if they:

(a) knowingly, willfully or negligently disclose without authorization information properly classified under this Order or predecessor orders;

(b) knowingly and willfully classify or continue the classification of information in violation of this Order or any implementing directive; or

(c) knowingly, willfully or negligently violate any other provision of this Order or implementing directive.

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5-403. Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, or other sanction in accordance with applicable law and agency regulation.

5-404. Each agency head or the senior official designated under Section 5-301(a) shall ensure that appropriate and prompt corrective action is taken whenever a violation under Section 5-402 occurs. Each shall ensure that the Director of the Information Security Oversight Office is promptly notified whenever a violation under Section 5-402(a) or (b) occurs.

SECTION 6. GENERAL PROVISIONS.

6-1. Definitions.

6-101. "Agency" has the meaning provided at 5 U.S.C. 552(e).

6-102. "Information" includes any information or material, regardless of its physical form or characteristics, that is owned by, produced by, produced for, or is under the control of the United States Government.

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6-103. "Classified information" means information that has been determined pursuant to this Order or any predecessor order to require protection against unauthorized disclosure and that is so designated.

6-104. "Foreign government information" means:

(a) Information provided by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, or the source of the information, is to be held in confidence; or

(b) any information produced by the United States pursuant to or as a result of a joint arrangement, with a foreign government or organization of governments, requiring that the information, the arrangement, or both be held in confidence.

6-105. "National security" means the national defense and/or foreign relations of the United States.

6-106. "Confidential source" means any individual or organization which has provided, or which may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the

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expectation, expressed or implied, that the information or relationship, or both, be held in confidence.

6-2. General.

6-201. Nothing in this Order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

6-202. The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall personally or through authorized representatives of the Department of Justice render an interpretation of this Order with respect to any question arising in the course of its administration.

6-203. Executive Order No. 12065 of June 28, 1978; the accompanying presidential Order of June 28, 1978; Information Security Oversight Office Implementing Directive No. 1 of October 2, 1978; and Section 5-209 of Executive Order No. 12148 of July 20, 1979, are revoked as of the effective date of this Order.

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6-204. This Order shall become effective

on _____.

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ATTACHMENT

INFORMATION SECURITY OVERSIGHT OFFICE

COMPARISON OF MAJOR FEATURES OF
EXECUTIVE ORDERS GOVERNING THE
INFORMATION SECURITY PROGRAM

Approved For Release 2003/08/13 : CIA-RDP84B00890R000300020009-6

I. CLASSIFICATION LEVELS

E.O. 10501, AS AMENDED	E. O. 11652	E. O. 12065	CURRENT DRAFT
<p>THREE LEVELS:</p> <p>TOP SECRET(TS)-EXCEPTIONALLY GRAVE DAMAGE</p> <p>SECRET(S)-SERIOUS DAMAGE</p> <p>CONFIDENTIAL(C)-PREJUDICIAL TO DEFENSE</p>	<p>THREE LEVELS:</p> <p>TS-EXCEPTIONALLY GRAVE DAMAGE</p> <p>S-SERIOUS DAMAGE</p> <p>C-DAMAGE</p>	<p>THREE LEVELS:</p> <p>TS-EXCEPTIONALLY GRAVE DAMAGE</p> <p>S-SERIOUS DAMAGE</p> <p>C-IDENTIFIABLE DAMAGE</p>	<p>THREE LEVELS:</p> <p>TS-EXCEPTIONALLY GRAVE DAMAGE</p> <p>S-SERIOUS DAMAGE</p> <p>C-DAMAGE</p>

COMMENT: THE TERM "IDENTIFIABLE" HAS BEEN OMITTED IN THE DRAFT ORDER TO OVERCOME LITIGATION PROBLEMS CONCERNING THE INTENT OF THE LANGUAGE OF E.O. 12065. IT IS NOT INTENDED NOR DOES EXPERIENCE INDICATE THAT ITS OMISSION WILL RESULT IN INFORMATION BEING CLASSIFIED UNDER THE DRAFT ORDER WHICH WOULD NOT BE CLASSIFIABLE UNDER E.O. 12065.

II. WHO MAY ORIGINALLY CLASSIFY

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
<p>TOP SECRET: 48 AGENCIES -7,136 PERSONS SECRET: 48 AGENCIES -23,236 PERSONS CONFIDENTIAL: 48 AGENCIES -28,944 PERSONS</p> <p>TOTAL ORIGINAL CLASSIFIERS: 59,316</p> <p>NOTE: AGENCY AUTHORITY CITED ON THIS PAGE IS CUMULATIVE: I.E., AGENCIES WITH SECRET AUTHORITY INCLUDE THOSE WITH TOP SECRET. THE SAME APPLIES FOR CONFIDENTIAL.</p>	<p>TOP SECRET: 17 AGENCIES -1597 PERSONS SECRET: 30 AGENCIES -9986 PERSONS CONFIDENTIAL: 30 AGENCIES -6043 PERSONS</p> <p>TOTAL ORIGINAL CLASSIFIERS: 17,626</p>	<p>TOP SECRET: 13 AGENCIES -1496 PERSONS SECRET: 17 AGENCIES -4195 PERSONS CONFIDENTIAL: 19 AGENCIES -1538 PERSONS</p> <p>TOTAL ORIGINAL CLASSIFIERS: 7229</p>	<p>THE CURRENT DRAFT DOES NOT LIST THE AGENCIES WITH CLASSIFICATION AUTHORITY. THIS WILL BE ACCOMPLISHED BY AN ACCOMPANYING PRESIDENTIAL ORDER. PRESENT PLANS ANTICIPATE NUMBERS COMPARABLE TO E.O. 12065 IN BOTH NUMBERS OF AGENCIES AND PERSONNEL.</p>

COMMENT: THE CURRENT DRAFT REFLECTS COMMITMENT TO KEEP THE NUMBER OF CLASSIFIERS TO A NECESSARY MINIMUM, WHILE PROVIDING AN ADMINISTRATIVE REMEDY TO AVOID THE UNNECESSARY INVOLVEMENT OF THE HEAD OF THE AGENCY IN THE DELEGATION PROCESS.

III. CLASSIFICATION CATEGORIES

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
NO SPECIFIC CATEGORIES ARE GIVEN WHICH LIMIT SUBJECT MATTERS THAT MAY BE CLASSIFIED	NO SPECIFIC CATEGORIES ARE GIVEN WHICH LIMIT SUBJECT MATTERS THAT MAY BE CLASSIFIED	SEVEN CATEGORIES: 1. MILITARY PLANS, WEAPONS, OR OPERATIONS; 2. FOREIGN GOVERNMENT INFORMATION; 3. INTELLIGENCE ACTIVITIES, SOURCES OR METHODS; 4. FOREIGN RELATIONS OR FOREIGN ACTIVITIES OF THE UNITED STATES; 5. SCIENTIFIC, TECHNOLOGICAL, OR ECONOMIC MATTERS RELATING TO THE NATIONAL SECURITY; 6. UNITED STATES GOVERNMENT PROGRAMS FOR SAFEGUARDING NUCLEAR MATERIALS OR FACILITIES; OR 7. OTHER CATEGORIES OF INFORMATION WHICH ARE RELATED TO NATIONAL SECURITY AND WHICH REQUIRE PROTECTION AGAINST UNAUTHORIZED DISCLOSURE AS DETERMINED BY THE PRESIDENT, BY A PERSON DESIGNATED BY THE PRESIDENT PURSUANT TO SEC. 1-201, OR BY AN AGENCY HEAD.	TEN CATEGORIES: 1. MILITARY PLANS, WEAPONS, OR OPERATIONS; 2. THE VULNERABILITIES OR CAPABILITIES OF SYSTEMS, INSTALLATIONS, PROJECTS, OR PLANS VITAL TO THE NATIONAL SECURITY; 3. FOREIGN GOVERNMENT INFORMATION; 4. INTELLIGENCE ACTIVITIES (INCLUDING SPECIAL ACTIVITIES), OR INTELLIGENCE SOURCES OR METHODS; 5. FOREIGN RELATIONS OR FOREIGN ACTIVITIES OF THE UNITED STATES; 6. SCIENTIFIC, TECHNOLOGICAL, OR ECONOMIC MATTERS RELATING TO THE NATIONAL SECURITY; 7. UNITED STATES GOVERNMENT PROGRAMS FOR SAFEGUARDING NUCLEAR MATERIALS OR FACILITIES; 8. CRYPTOLOGY; 9. A CONFIDENTIAL SOURCE; OR 10. OTHER CATEGORIES OF INFORMATION WHICH ARE RELATED TO THE NATIONAL SECURITY AND WHICH REQUIRE PROTECTION AGAINST UNAUTHORIZED DISCLOSURE AS DETERMINED BY THE PRESIDENT OR BY AGENCY HEADS WHO HAVE ORIGINAL CLASSIFICATION AUTHORITY. ANY DETERMINATION MADE UNDER THIS SUBSECTION SHALL BE REPORTED PROMPTLY TO THE DIRECTOR OF THE INFORMATION SECURITY OVERSIGHT OFFICE.
<p>COMMENT: THE THREE ADDITIONAL CATEGORIES ADDED TO THE CURRENT DRAFT REFLECT EXPERIENCE OF 3 YEARS UNDER E.O. 12065 WHICH INDICATED THAT THE ELEMENTS ADDED WERE JEOPARDIZED IN THE CONTEXT OF LITIGATION. IT IS NOT INTENDED THAT ADDITIONAL MATERIAL WILL BE CLASSIFIED UNDER THESE CATEGORIES BEYOND THAT WHICH WAS SUBJECT TO CLASSIFICATION UNDER E.O. 12065.</p>			

IV. DURATION OF CLASSIFICATION

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
<p>FOUR GROUPS:</p> <p>GROUP 1-NO LIMITATIONS ON DURATION</p> <p>GROUP 2-NO LIMITATIONS ON DURATION</p> <p>GROUP 3-NO LIMITATIONS ON DURATION</p> <p>GROUP 4-12 YEARS</p>	<p>THREE GROUPS:</p> <p>1. ADVANCED DECLASSIFICATION SCHEDULE- (ADS):</p> <p>TS-SOONER THAN 10 YEARS</p> <p>S-SOONER THAN 8 YEARS</p> <p>C-SOONER THAN 6 YEARS</p> <p>2. GENERAL DECLASSIFICATION SCHEDULE (GDS):</p> <p>TS-10 YEARS</p> <p>S-8 YEARS</p> <p>C-6 YEARS</p> <p>3. EXTENDED DECLASSIFICATION SCHEDULE: (XDS):</p> <p>TS-30 YEARS UNLESS EXTENDED</p> <p>S-30 YEARS UNLESS EXTENDED</p> <p>C-30 YEARS UNLESS EXTENDED</p>	<p>SIX YEARS UNLESS EXTENDED BY HEAD OF AGENCY OR TOP SECRET AUTHORITY FOR PERIODS UP TO 20 YEARS. FOLLOWING REVIEW, HEAD OF AGENCY MAY EXTEND BEYOND 20 YEARS.</p> <p>EXPERIENCE HAS SHOWN THAT THE OVERWHELMING MAJORITY (IN EXCESS OF 90%) NOT MARKED FOR AUTOMATIC DECLASSIFICATION IN SIX YEARS.</p>	<p>IF APPROPRIATE, A LIMIT SHALL BE ESTABLISHED AT TIME OF ORIGINAL CLASSIFICATION. CLASSIFICATION SHALL CONTINUE AS LONG AS REQUIRED BY NATIONAL SECURITY INTEREST.</p>

COMMENT: THE DRAFT ORDER RECOGNIZES THAT AUTOMATIC DECLASSIFICATION DATES WHICH DO NOT RELATE TO A SPECIFIC OCCURRENCE ARE ARTIFICIAL DETERMINATIONS WHICH POSE A THREAT TO SECURITY OF THE INFORMATION. EXPERIENCE INDICATES THAT AGENCIES AVOID AFFIXING AUTOMATIC DECLASSIFICATION DATES WHENEVER POSSIBLE.

V. LIMITATIONS ON CLASSIFICATION

E. O. 10501, as amended	E. O. 11652	E. O. 12065	Current draft
<p>NO SPECIFIC GROUP OF LIMITATIONS. SOME REFERENCES TO AVOIDING UNNECESSARY OR INAPPROPRIATE CLASSIFICATION.</p>	<p>CLASSIFICATION SOLELY ON BASIS OF NATIONAL SECURITY CONSIDERATIONS. NOT TO CONCEAL INEFFICIENCY OR ERROR, TO PREVENT EMBARRASSMENT, TO RESTRAIN COMPETITION OR TO PREVENT THE RELEASE OF MATERIAL NOT REQUIRING NATIONAL SECURITY PROTECTION.</p>	<p>CLASSIFICATION IMPROPER WHEN USED TO CONCEAL VIOLATIONS OF LAW, INEFFICIENCY OR ERROR, PREVENT EMBARRASSMENT, OR RESTRAIN COMPETITION, OR LIMIT DISSEMINATION OF INFORMATION.</p> <p>BASIC SCIENTIFIC RESEARCH NOT CLEARLY RELATED TO NATIONAL SECURITY MAY NOT BE CLASSIFIED. CLASSIFICATION MAY NOT BE RESTORED TO DOCUMENTS DECLASSIFIED AND RELEASED TO THE PUBLIC. UNDER VERY LIMITED CIRCUMSTANCES DOCUMENTS CAN BE CLASSIFIED AFTER RECEIPT OF FOIA OR MANDATORY REVIEW REQUEST.</p>	<p>CLASSIFICATION SOLELY ON BASIS OF NATIONAL SECURITY CONSIDERATIONS. NOT TO CONCEAL VIOLATIONS OF LAW, INEFFICIENCY OR ERROR, PREVENT EMBARRASSMENT, RESTRAIN COMPETITION, OR DELAY RELEASE OF INFORMATION. UNDER VERY LIMITED CIRCUMSTANCES, DECLASSIFIED INFORMATION WHICH REQUIRES PROTECTION MAY BE RECLASSIFIED. UNDER LIMITED CIRCUMSTANCES, DOCUMENTS CAN BE CLASSIFIED AFTER RECEIPT OF FOIA OR MANDATORY REVIEW REQUEST.</p>

COMMENTS: THE CURRENT DRAFT RETAINS THE CRITICAL LIMITATIONS OF THE EXISTING ORDER, IN ALLOWING THE VERY LIMITED RECLASSIFICATION OF MATERIAL PREVIOUSLY RELEASED, THE DRAFT RECOGNIZES INSTANCES IN WHICH THIS ACTION IS BOTH NECESSARY AND EFFECTIVE.

VI. RECOGNITION OF DERIVATIVE CLASSIFICATION

E. O. 10501, as amended	E. O. 11652	E. O. 12065	Current draft
NO RECOGNITION OF DISTINCTION BETWEEN ORIGINAL AND DERIVATIVE CLASSIFICATION.	NO SPECIFIC RECOGNITION OF DISTINCTION BETWEEN ORIGINAL AND DERIVATIVE CLASSIFICATION. HOLDERS OF CLASSIFIED INFORMATION ARE REQUIRED "TO OBSERVE AND RESPECT" THE CLASSIFICATION ASSIGNED BY THE ORIGINATOR.	RECOGNIZES DERIVATIVE CLASSIFICATION AS A COMPLETELY DISTINCT PROCESS FROM ORIGINAL CLASSIFICATION, BUT DOES NOT DEFINE DERIVATIVE CLASSIFICATION. ANY AUTHORIZED HOLDER OF CLASSIFIED INFORMATION MAY DERIVATIVELY CLASSIFY, EVEN PERSONS WITHOUT ORIGINAL CLASSIFICATION AUTHORITY. MANDATES CREATION OF CLASSIFICATION GUIDES TO BE USED BY DERIVATIVE CLASSIFIERS.	RECOGNIZES DERIVATIVE CLASSIFICATION AS A COMPLETELY DISTINCT PROCESS FROM ORIGINAL CLASSIFICATION, AND DEFINES THE TERM. ANY AUTHORIZED HOLDER OF CLASSIFIED INFORMATION MAY DERIVATIVELY CLASSIFY, EVEN PERSONS WITHOUT ORIGINAL CLASSIFICATION AUTHORITY. MANDATES CREATION OF CLASSIFICATION GUIDES, BUT AGENCY HEAD MAY WAIVE REQUIREMENT FOR SPECIFIC CLASSES OF INFORMATION AND REPORT WAIVER TO ISOO.

COMMENTS: ISOO EXPERIENCE IN MONITORING THE PROGRAM SHOWS THAT APPROXIMATELY 95% OF ALL CLASSIFICATION ACTIONS ARE DERIVATIVE IN NATURE. APPROPRIATE APPLICATION OF DERIVATIVE CLASSIFICATION PROMOTES UNIFORM CLASSIFICATION OF LIKE INFORMATION AND FACILITATES ITS SAFEGUARDING AND ULTIMATE DECLASSIFICATION. THE DRAFT ORDER REFLECTS ISOO EXPERIENCE THAT THERE ARE CERTAIN CLASSES OF INFORMATION FOR WHICH CLASSIFICATION GUIDES ARE INEFFECTUAL.

VII. AUTHORITY TO DECLASSIFY AND DOWNGRADE

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
<p>HEAD OF AGENCY AND DESIGNEES MAY DECLASSIFY OR DOWNGRADE INFORMATION ORIGINATED WITHIN THAT AGENCY. HEAD OF AGENCY AND DESIGNEES MAY DECLASSIFY OR DOWNGRADE INFORMATION ORIGINATING IN ANOTHER AGENCY BUT IN THEIR POSSESSION BASED ON REGULATIONS ISSUED BY ORIGINATING AGENCY.</p>	<p>AUTHORITY TO DECLASSIFY OR DOWNGRADE RESTS WITH THE ORIGINATING OFFICIAL; A SUCCESSOR IN FUNCTION; A SUPERVISORY OFFICIAL OF EITHER; AND ANY OTHER OFFICIAL WITH TOP SECRET OR SECRET CLASSIFICATION AUTHORITY WHO HAS BEEN DESIGNATED BY ONE OF THE PRIOR LISTED OFFICIALS.</p>	<p>AUTHORITY TO DECLASSIFY OR DOWNGRADE RESTS WITH THE ORIGINATING OFFICIAL; A SUCCESSOR IN FUNCTION; A SUPERVISORY OFFICIAL OF EITHER; OR OTHER OFFICIALS DESIGNATED BY THE AGENCY HEAD. THE DIRECTOR OF ISOO MAY ORDER AN AGENCY HEAD TO DECLASSIFY INFORMATION DETERMINED TO BE CLASSIFIED IN VIOLATION OF THE ORDER. SUCH AN ORDER MAY BE APPEALED BY AGENCY HEAD TO NATIONAL SECURITY COUNCIL.</p>	<p>AUTHORITY TO DECLASSIFY OR DOWNGRADE RESTS WITH THE ORIGINATING OFFICIAL; A SUCCESSOR IN FUNCTION; A SUPERVISORY OFFICIAL OF EITHER; OR OTHER OFFICIALS DESIGNATED BY THE AGENCY HEAD OR THE SENIOR INFORMATION SECURITY PROGRAM OFFICIAL.</p>

COMMENT: THE DRAFT ORDER RETAINS THE DECLASSIFICATION PROCEDURES OF E.O. 12065 AS THEY PERTAIN TO AUTHORITY AND FACILITATES THE DECLASSIFICATION PROCESS BY ALLOWING THE AGENCY SENIOR OFFICIAL TO DESIGNATE DECLASSIFICATION AUTHORITIES.

VIII. SYSTEMATIC REVIEW

E. O. 10501, as amended	E. O. 11652	E. O. 12065	Current draft
NO PROVISIONS FOR SYSTEMATIC REVIEW.	ALL INFORMATION CLASSIFIED UNDER PRIOR ORDERS TO BE REVIEWED FOR DECLASSIFICATION BY THE ARCHIVIST OF THE UNITED STATES 30 YEARS FROM DATE OF ORIGIN. AGENCIES TO PROVIDE THE ARCHIVIST WITH GUIDELINES AND SUPPORT AS NEEDED. CLASSIFICATION OF SPECIFIC CATEGORIES OF INFORMATION MAY BE EXTENDED BEYOND 30 YEARS BY THE HEAD OF THE ORIGINATING AGENCY.	PERMANENTLY VALUABLE CLASSIFIED RECORDS SHALL BE SYSTEMATICALLY REVIEWED FOR DECLASSIFICATION TWENTY YEARS FROM DATE OF ORIGIN. AGENCY HEAD MAY EXTEND DECLASSIFICATION IN TEN YEAR INCREMENTS FOLLOWING REVIEW. FOREIGN GOVERNMENT INFORMATION TO BE REVIEWED 30 YEARS FROM DATE OF ORIGIN. ALL AGENCIES SHALL DEVELOP GUIDELINES FOR USE IN THIS PROGRAM.	SYSTEMATIC REVIEW TO BE CARRIED OUT BY THE ARCHIVIST, CONSISTENT WITH PROCEDURES PRESCRIBED BY ISOO AND AGENCY GUIDELINES, ON ALL MATERIAL ACCESSIONED INTO THE NATIONAL ARCHIVES AND CLASSIFIED PRESIDENTIAL PAPERS IN THE ARCHIVIST'S CONTROL. TIME-FRAMES TO BE ESTABLISHED IN ACCORDANCE WITH ISOO DIRECTIVES AND AGENCY GUIDELINES. AGENCY HEADS MAY CONDUCT SYSTEMATIC REVIEW PROGRAM ON PERMANENTLY VALUABLE RECORDS ORIGINATING IN THOSE AGENCIES.

COMMENTS: THE CURRENT DRAFT REPRESENTS A COMPROMISE POSITION BETWEEN THE RECOMMENDATION OF THE GENERAL ACCOUNTING OFFICE THAT SYSTEMATIC REVIEW BE ABOLISHED ENTIRELY AND THE CURRENT SYSTEM WHICH IS BOTH COSTLY AND UNSUCCESSFUL IN MEETING THE REQUIREMENTS OF THE ORDER. THE MORE REALISTIC PROGRAM ENVISIONED UNDER THE DRAFT ORDER WILL BETTER BALANCE THE NEEDS OF RESEARCHERS WITH AVAILABLE RESOURCES.

IX. MANDATORY REVIEW

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
NO PROVISION REGARDING MANDATORY REVIEW.	ORIGINATOR SHALL REVIEW INFORMATION FOR POSSIBLE DECLASSIFICATION UPON A REQUEST BY AN AGENCY OR MEMBER OF THE GENERAL PUBLIC IF THE INFORMATION IS AT LEAST TEN YEARS OLD.	<p>A MEMBER OF THE PUBLIC OR GOVERNMENT AGENCY MAY, AT ANY TIME, REQUEST THAT CLASSIFIED INFORMATION BE REVIEWED FOR DECLASSIFICATION AND RELEASE. PRESIDENTIAL MATERIALS LESS THAN TEN YEARS OLD ARE EXEMPT FROM THIS REQUIREMENT. AGENCIES CANNOT REFUSE TO CONFIRM OR DENY THE EXISTENCE OF A DOCUMENT UNLESS THAT FACT IS CLASSIFIABLE UNDER THIS ORDER.</p> <p>IN MAKING DECLASSIFICATION DECISIONS THE ORIGINATOR SHOULD BALANCE THE BENEFITS TO THE PUBLIC FROM RELEASE OF INFORMATION AGAINST NATIONAL SECURITY CONSIDERATIONS.</p>	ALL INFORMATION SUBJECT TO MANDATORY REVIEW AT ANY TIME UPON REQUEST BY US CITIZEN, RESIDENT ALIEN, OR STATE OR LOCAL GOVERNMENT. REQUEST MUST BE SPECIFIC ENOUGH THAT AGENCIES CAN LOCATE THE INFORMATION WITH REASONABLE EFFORT. PRESIDENTIAL MATERIALS ARE SUBJECT TO MANDATORY REVIEW 12 YEARS AFTER CREATION. AGENCIES SHALL DEVELOP PROCEDURES FOR MANDATORY REVIEW, TO INCLUDE A METHOD OF APPEAL. INFORMATION SHALL BE REVIEWED BY THE ORIGINATOR IF IN THE CUSTODY OF ANOTHER AGENCY.

COMMENT: OMISSION OF THE "BALANCING TEST" IS DESIGNED TO PREVENT THE UNINTENDED JUDICIAL REVIEW OF EXECUTIVE BRANCH DISCRETION. BALANCING IS INHERENTLY A PART OF THE DECISION TO CLASSIFY AND DECLASSIFY INFORMATION. THE DELAY TO 12 YEARS FOR REVIEW OF PRESIDENTIAL RECORDS IS DESIGNED TO BE CONSISTENT WITH THE PRESIDENTIAL RECORDS ACT OF 1978.

X. SAFEGUARDING

E. O. 10501, as amended	E. O. 11652	E. O. 12065	Current draft
<p>SETS FORTH BASIC POLICIES CONCERNING ACCESS, STORAGE, LOCKS AND SECURITY CONTAINERS, DISSEMINATION, LOSS, COMPROMISE, ACCOUNTABILITY, TRANSMISSION, DESTRUCTION, ETC.</p>	<p>PROVIDED ESSENTIALLY THE SAME BASIC POLICIES FOR THE PROTECTION OF NATIONAL SECURITY INFORMATION. IN ADDITION, REQUIRED THE NATIONAL SECURITY COUNCIL TO ISSUE DIRECTIVES CONCERNING PROTECTION BASED ON THESE POLICIES.</p>	<p>IN ADDITION TO THE BASIC POLICIES SET FORTH IN PREDECESSOR ORDERS, INCLUDED DIRECTION FOR REPRODUCTION CONTROLS AND FOR MONITORSHIP OF SPECIAL ACCESS PROGRAMS BY THE DIRECTOR OF THE INFORMATION SECURITY OVERSIGHT OFFICE (ISOO). PROVIDES THAT THE ISOO PROMULGATE IMPLEMENTING SAFEGUARDING DIRECTIVES.</p>	<p>RETAINS THE SAFEGUARDING POLICIES OF E. O. 12065 WITH THE EXCEPTION OF THOSE PORTIONS DEALING WITH REPRODUCTION CONTROLS. ADDS PROVISIONS PROHIBITING DISTRIBUTION OR DISSEMINATION OF INFORMATION TO A THIRD AGENCY WITHOUT THE AGREEMENT OF THE ORIGINATING AGENCY.</p>

COMMENTS: THE THIRD-AGENCY RULE CURRENTLY CONTAINED IN THE ISOO DIRECTIVE HAS BEEN PLACED IN THE DRAFT ORDER. THE IMPLEMENTING DIRECTIVE WILL REQUIRE AGENCIES TO ESTABLISH APPROPRIATE REPRODUCTION CONTROLS.

XI. OVERSIGHT

E.O. 10501, AS AMENDED	E.O. 11652	E.O. 12065	CURRENT DRAFT
<p>MADE NO PROVISIONS FOR OVERSIGHT BY AN INDEPENDENT BODY. EACH AGENCY WAS RESPONSIBLE FOR MONITORING ITS OWN PROGRAM. THE NATIONAL SECURITY COUNCIL (NSC) WAS RESPONSIBLE FOR CONDUCTING A CONTINUING REVIEW OF THE IMPLEMENTATION OF THE ORDER TO ENSURE THAT CLASSIFIED DEFENSE INFORMATION WAS PROPERLY SAFEGUARDED.</p>	<p>ESTABLISHED A SEVEN MEMBER INTERAGENCY CLASSIFICATION REVIEW COMMITTEE (ICRC) TO ASSIST THE NSC IN MONITORING IMPLEMENTATION OF THE ORDER. THE ICRC WAS CHARGED SPECIFICALLY TO OVERSEE AGENCY ACTIONS, TO INCLUDE APPROVAL OF AGENCY IMPLEMENTING DIRECTIVES, AND TO RECEIVE AND TAKE ACTION ON SUGGESTIONS AND COMPLAINTS REGARDING THE PROGRAM FROM PERSONS WITHIN OR OUTSIDE THE GOVERNMENT.</p> <p>HEADS OF AGENCIES WERE CHARGED TO DESIGNATE A SENIOR OFFICIAL RESPONSIBLE FOR EFFECTIVE IMPLEMENTATION AND FOR ENSURING THAT AGENCY PERSONNEL WERE FAMILIAR WITH THE REQUIREMENTS OF THE ORDER.</p>	<p>ESTABLISHES A SEPARATE AND INDEPENDENT BODY, THE INFORMATION SECURITY OVERSIGHT OFFICE (ISOO), TO MONITOR THE PROGRAM. PROVIDES AUTHORITY FOR THE DIRECTOR, ISOO, TO OVERSEE AND ENSURE COMPLIANCE WITH THE ORDER THROUGH ON-SITE REVIEWS OF AGENCY PROGRAMS, AND REVIEW AND APPROVE AGENCY IMPLEMENTING REGULATIONS AND SYSTEMATIC REVIEW GUIDELINES. REQUIRES THE DIRECTOR TO REPORT ANNUALLY TO THE PRESIDENT ON THE STATUS OF IMPLEMENTATION OF THE ORDER. THE DIRECTOR, ISOO, IS GIVEN THE AUTHORITY TO DEVELOP AND PROMULGATE DIRECTIVES FOR IMPLEMENTING THE ORDER THAT ARE BINDING ON AGENCIES. OVERALL POLICY DIRECTION FOR THE PROGRAM IS PROVIDED BY THE NATIONAL SECURITY COUNCIL.</p>	<p>THE CURRENT DRAFT ESSENTIALLY RETAINS ALL AUTHORITY PROVIDED TO THE ISOO BY E.O. 12065. IN ADDITION IT PROVIDES THE DIRECTOR THE AUTHORITY TO PRESCRIBE GOVERNMENT-WIDE STANDARD SECURITY FORMS AND TO APPOINT MEMBERS OF THE ISOO STAFF.</p> <p>THE DRAFT CONTINUES TO PROVIDE THAT THE NSC SHALL PROVIDE OVERALL POLICY DIRECTION FOR THE PROGRAM.</p>

COMMENT: CURRENT DRAFT CONTINUES TO RECOGNIZE THE NEED FOR AN INDEPENDENT OVERSIGHT ORGANIZATION.

XII. SANCTIONS

E. O. 10501, as amended	E. O. 11652	E. O. 12065	Current draft
<p>PROVIDED FOR NO SPECIFIC SANCTIONS EXCEPT THAT AGENCY HEADS WERE DIRECTED TO TAKE PROMPT AND STRINGENT ACTION AGAINST ANY EMPLOYEE DETERMINED TO HAVE BEEN KNOWINGLY RESPONSIBLE FOR THE UNAUTHORIZED RELEASE OR DISCLOSURE OF CLASSIFIED DEFENSE INFORMATION.</p>	<p>SANCTIONS WERE LIMITED TO CASES OF REPEATED UNNECESSARY CLASSIFICATION OR OVERCLASSIFICATION AND TO UNAUTHORIZED DISCLOSURES OF NATIONAL SECURITY INFORMATION.</p>	<p>SANCTIONS WERE EXPANDED TO COVER KNOWING AND WILLFUL (1) CLASSIFICATION IN VIOLATION OF THE ORDER; (2) UNAUTHORIZED DISCLOSURE; OR (3) VIOLATION OF ANY OTHER PROVISION OF THE ORDER OR IMPLEMENTING DIRECTIVES. A RANGE OF SANCTIONS FROM REPRIMAND TO REMOVAL WAS ESTABLISHED. THE DIRECTOR OF ISOO MUST BE INFORMED OF ALL VIOLATIONS AND CORRECTIVE ACTIONS TAKEN.</p>	<p>THE SANCTION PROVISIONS OF E. O. 12065 ARE CONTINUED IN THE CURRENT DRAFT. THE ONE ADDITION IS PROVISION FOR "NEGLIGENT" UNAUTHORIZED DISCLOSURE OR "NEGLIGENT" VIOLATION OF ANY OTHER PROVISION OF THE ORDER OR IMPLEMENTING DIRECTIVES. THE RANGE OF SANCTIONS PROVIDED BY E. O. 12065 IS CONTINUED, AS WELL AS PROVISIONS FOR THE DIRECTOR, ISOO, TO BE NOTIFIED IN CASES OF UNAUTHORIZED DISCLOSURE OR CLASSIFICATION IN VIOLATION OF THE ORDER.</p>

COMMENTS: CURRENT DRAFT RETAINS AND STRENGTHENS THE SANCTION PROVISIONS OF E. O. 12065. IT RELIEVES THE REQUIREMENT THAT AGENCIES MAKE ON-THE-SPOT REPORTS OF MINOR ADMINISTRATIVE VIOLATIONS TO THE ISOO.